

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8125 OF 2006

Arvind B. Ram			Petitioner
V/s			
The State of Maharashtra & Ors.....			Respondents.

Office Notes, Office	)	Court' or Judge's Orders
Memoranda of Coram, appearances	)	
Court' orders or directions and	)	
Registrar' orders.	)	

Mr.Santosh Narwade i/by M/s.M.P.Vashi &
Associates for the petitioners.

Mr.N.V.Bandiwadekar, Adv. For R.No.5.

CORAM: A.P. DESHPANDE, J.

1.3.2007

PC:

The Judgment and order passed by the School Tribunal is challenged by filing the present petition. The School Tribunal has dismissed the appeal by holding that it had no jurisdiction to entertain and try the appeal. The order under challenge is passed by the Education Officer determining inter se seniority in exercise of powers under rule 12 of the MEPS Rules. The learned counsel for the petitioner has

canvassed that incidentally an order passed under Rule 12 can also be challenged before the School Tribunal. The Education Officer while deciding the question of seniority under Rule 12 acts as Tribunal. Aggrieved party can only question correctness thereof by filing writ petition. In the present case the petitioner had challenged the order passed by Education Officer under Rule 12 by filing appeal under section 9 which is obviously not maintainable. Further there is no question of raising incidental challenge. In as much as no other order is challenged before the Tribunal and the only order under challenge is one passed under Rule 12 by the Education Officer. In my view the School Tribunal has rightly held that the appeal is not maintainable. No interference is called for. Hence writ petition is summarily dismissed.

1.3.07